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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,555

10/24/2003

Jerome S. Veith

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EXAMINER

HAND, MELANIE JO

ART UNIT

PAPER NUMBER

3761

MAIL DATE

DELIVERY MODE

08/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/693,555

Applicant(s)

VEITH, JEROME S.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Remarks, page 5, filed May 16, 2007, with respect to the rejection(s) of claim(s) 1-23 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Gompel et al (U.S. Patent No. 6,217,563) in view of Everett et al (U.S. Patent No. 6,437,214).

With respect to **claim 1**: Van Gompel teaches a disposable absorbent garment 10 comprising: a body chassis defined by panels 52,53 having a terminal front waist edge 60, a terminal back waist edge 61 longitudinally spaced from said terminal front waist edge, a first length defined between said terminal front waist edge 60 and said terminal back waist edge 61, and a laterally extending centerline defined half way between said terminal front and back waist edges, wherein said body chassis (collectively, panels 52,53) is formed from a laminate structure having a plurality of layers, wherein all of said layers are the same length such that a thickness of said body chassis is the same along said length of said layers. This is evidenced by Van Gompel's teaching of one material for the panels that is a laminate, therefore it is considered

herein to be one material of uniform thickness throughout. ('563, Col. 3, lines 62-67, Col. 5, lines 3,4, Col. 17, lines 42-48). Absorbent insert 32 is fixedly secured to said body chassis (i.e. panels 52,53), said absorbent insert 32 comprising a retention region comprising an absorbent material 48 ('563, Col. 19, lines 28-37), said retention region having first and second longitudinally spaced boundaries indicated by dashed lines in Fig. 1 that are indicated as the outer edges of wrap sheet 74, and a second length defined between said first and second boundaries. As can be seen in Fig. 1, there is no absorbent material 48 disposed longitudinally outside of said retention region defined between said first and second boundaries.

Van Gompel does not explicitly teach that said second length is less than or equal to 50% of said first length. Everett teaches an absorbent article having a first length as defined in the instant application disclosure and a second length, defined according to the application disclosure as the length between the first and second longitudinally spaced boundaries of a retention portion in the form of target area 52. Everett teaches that the target area begins at an imaginary line that is 24% of the article length from the front waist edge and terminates at an imaginary line that is 59% of the article length away from the front waist edge. Thus the second length is  $59-24=35\%$  of the first length which is the article length, which falls within the claimed range. Everett teaches that this is called a target area because it is positioned at appoint where it is believed that a majority of an insult of exudates will occur, thus it would be obvious to one of ordinary skill in the art to modify the article of Van Gompel such that the second length is less than or equal to 50% of the first length as taught by Everett to ensure that the absorbent material is placed where a majority of the flow of exudates from an insult will occur. ('214, Col. 8, lines 35-43)

Van Gompel does not explicitly teach that at least 70% of said second length is positioned between said centerline and said terminal front waist edge. The second length taught

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by Everett begins at a boundary that is 24% of the length of the article away from the front waist edge, which is considered to be a point defining 0% of the length. The second boundary that defines the second length is 59% of the length away from the front waist edge. Thus, considering the lateral centerline to be 50% of the length of the article away from the front waist edge, a portion of the target area 52 that is located between the front waist edge and the centerline has a length that is equal to  $50\% - 24\%$ , or 26% of the length of the article. The total second length is a length that is 35% of the article length. Therefore, the percentage of the second length that is positioned between the centerline and the front waist edge is  $26\% \text{ article length} (= \text{portion of second length forward of the centerline}) / 35\% \text{ article length} (= \text{total second length})$ , or 74% of the second length, which meets the relevant claim limitation. The motivation to combine the teachings of Van Gompel and Everett has been stated *supra*.

With respect to **Claim 2**: The absorbent assembly comprises single retention member 48 defining a retention region. As can be seen in Fig. 2 taught by Van Gompel, retention portion 48 has first and second ends corresponding to first and second boundaries. ('563, Col. 3, lines 55-60)

With respect to **Claims 3,4**: Van Gompel teaches that the retention portion is comprised of 37% superabsorbent material by weight. ('563, Col. 31, lines 9-11)

With respect to **claim 5**: Van Gompel teaches superabsorbent materials that are identical to some of those disclosed by applicant, e.g. alkali metal and ammonium salts of polyacrylic acid. (Specification, page 19, lines 7,8, '3563, Col. 11, lines 19-21). When the structure or composition recited in the reference is substantially identical to that of the claims of the instant

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invention, claimed properties or functions presumed to be inherent (MPEP 2112-2112.01). A prima facie case of either anticipation or obviousness has been established when the reference discloses all the limitations of a claim (in this case, a superabsorbent material) except for a property or function (in the present case, the centrifuge retention capacity of the superabsorbent) and the examiner can not determine whether or not the reference inherently possesses properties that anticipate or render obvious the claimed invention but has a basis for shifting the burden of proof to applicant, as per *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980).

With respect to claim 6: Van Gompel teaches a disposable absorbent garment 10 comprising: a body chassis (collectively panels 52,53) having a terminal front waist edge 60, a terminal back waist edge 61 longitudinally spaced from said terminal front waist edge 60, a first length defined between said terminal front waist edge 60 and said terminal back waist edge 61, and a laterally extending centerline defined half way between said terminal front and back waist edges, wherein said body chassis 52,53 is formed from a laminate structure having a plurality of layers, wherein all of said layers have the same length such that a thickness of said body chassis is the same along said length of said layers; and an absorbent insert 32 fixedly secured to said body chassis, said absorbent insert 32 comprising a retention region indicated by dashed lines and continuous with the outer boundary of overwrap sheet 74 as shown in Fig. 1, comprising an absorbent material 48, wherein said absorbent material 48 comprises a superabsorbent material, said retention region having first and second longitudinally spaced boundaries indicated by said dashed lines continuous with the boundary of overwrap sheet 74 and a second length defined between said first and second boundaries, wherein there is no absorbent material 48 disposed longitudinally outside of

said retention region defined between said first and second boundaries. ('563, Col. 3, lines 62-67, Col. 5, lines 3,4, Col. 17, lines 42-48, Col. 19, lines 28-37)

Van Gompel does not explicitly teach that said second length is less than or equal to 50% of said first length. Everett teaches an absorbent article having a first length as defined in the instant application disclosure and a second length, defined according to the application disclosure as the length between the first and second longitudinally spaced boundaries of a retention portion in the form of target area 52. Everett teaches that the target area begins at an imaginary line that is 24% of the article length from the front waist edge and terminates at an imaginary line that is 59% of the article length away from the front waist edge. Thus the second length is  $59-24=35\%$  of the first length which is the article length, which falls within the claimed range. Everett teaches that this is called a target area because it is positioned at appoint where it is believed that a majority of an insult of exudates will occur, thus it would be obvious to one of ordinary skill in the art to modify the article of Van Gompel such that the second length is less than or equal to 50% of the first length as taught by Everett to ensure that the absorbent material is placed where a majority of the flow of exudates from an insult will occur. ('214, Col. 8, lines 35-43)

Van Gompel does not explicitly teach that at least 70% of said second length is positioned between said centerline and said terminal front waist edge. The second length taught by Everett begins at a boundary that is 24% of the length of the article away from the front waist edge, which is considered to be a point defining 0% of the length. The second boundary that defines the second length is 59% of the length away from the front waist edge. Thus, considereing the lateral centerline to be 50% of the length of the article away from the front waist edge, a portion of the target area 52 that is located between the front waist edge and the centerline has a length that is equal to  $50\%-24\%$ , or 26% of the length of the article. The total

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second length is a length that is 35% of the article length. Therefore, the percentage of the second length that is positioned between the centerline and the front waist edge is 26% article length (=portion of second length forward of the centerline)/35% article length (=total second length), or 74% of the second length, which meets the relevant claim limitation. The motivation to combine the teachings of Van Gompel and Everett has been stated *supra*.

Everett teaches an absorbent density for layer 48 of absorbent material of 0.1 – 0.3 g/cc, which overlaps the claimed range and thus meets the claim limitation, as applicant reports the density of the claimed retention portion as being equivalent to the density of the claimed absorbent material 70 (¶0057). The motivation to combine the teachings of Van Gompel and Everett has been stated *supra*.

With respect to **Claim 7**: Van Gompel teaches a front body panel 52 comprising a terminal front waist edge 60 and a terminal front crotch edge 62 longitudinally spaced from said terminal waist edge 60, a rear body panel 53 comprising a terminal back waist edge 61 and a terminal crotch edge 63, longitudinally spaced from said terminal back waist edge, wherein the terminal crotch edge 63 of said rear body panel 53 is longitudinally spaced from, and forms a gap with, said terminal crotch edge 62 of said front body panel 52. The absorbent insert 32 comprises first and second longitudinally spaced end portions 82 and opposite laterally spaced side edges 80, and said absorbent insert 32 bridges said gap between said front and rear body panels with said first and second longitudinally spaced end portions overlying and connected to said front and rear body panels respectively, as is seen in Fig. 1 taught by Van Gompel. ('563, Col. 3, lines 49-67, Col. 13, line 39 – Col. 14, line 5)



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With respect to **Claim 8**: Van Gompel teaches that the body panels 52,53 of the chassis are comprised of a nonwoven material. ('563, Col. 17, lines 18-22)

With respect to **Claim 9**: Van Gompel teaches that the body panels 52,53 (chassis) comprise an elastomeric material that is stretchable along the lateral width 54 of the article. ('563, Col. 17, lines 42-45)

With respect to **claim 10**: Van Gompel teaches a pair of fasteners 36 positioned at one end of said body chassis on opposite sides thereof (Fig. 1), wherein said at least said pair of fasteners releasably engages an opposite end of said body chassis on said opposite sides thereof with a pair of leg openings being defined at least in part by said body chassis. ('563, Col. 5, lines 32-38)

With respect to **claim 11**: Van Gompel teaches a disposable absorbent garment 10 comprising: a front body panel 58 comprising a terminal waist edge and a terminal crotch edge; a rear body panel 60 comprising a terminal waist edge and a terminal crotch edge, wherein said terminal crotch edge of said rear body panel is longitudinally spaced from and forms a gap with said terminal crotch edge of said front body panel, and wherein a first length is defined between said terminal waist edge of said front body panel and said terminal waist edge of said rear body panel, and wherein a laterally extending centerline is defined half way between said terminal waist edges of said front and rear body panels; and an absorbent insert 32 comprising first and second longitudinally spaced end portions each having a terminal edge and opposite laterally spaced side edges, wherein said absorbent insert 32 bridges said gap between said front and rear body panels with said first and second end portions overlying and connected to said front

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and rear body panels respectively and with said terminal edges of said first and second end portions longitudinally spaced from said terminal waist edges of said front and rear body panels respectively and with said terminal edges of said first and second end portions longitudinally spaced from said terminal crotch edges of said front and rear body panels respectively, said absorbent insert 32 comprising a retention member formed from an absorbent material 48, said retention member having first and second longitudinally spaced ends and a second length defined between said first and second ends. ('563, Col. 3, lines 62-67, Col. 5, lines 3,4, Col. 17, lines 42-48, Col. 19, lines 28-37)

Van Gompel does not explicitly teach that at least 70% of said second length is positioned between said centerline and said terminal front waist edge. The second length taught by Everett begins at a boundary that is 24% of the length of the article away from the front waist edge, which is considered to be a point defining 0% of the length. The second boundary that defines the second length is 59% of the length away from the front waist edge. Thus, considering the lateral centerline to be 50% of the length of the article away from the front waist edge, a portion of the target area 52 that is located between the front waist edge and the centerline has a length that is equal to 50%-24%, or 26% of the length of the article. The total second length is a length that is 35% of the article length. Therefore, the percentage of the second length that is positioned between the centerline and the front waist edge is 26% article length (=portion of second length forward of the centerline)/35% article length (=total second length), or 74% of the second length, which meets the relevant claim limitation. Everett teaches that this is called a target area because it is positioned at a point where it is believed that a majority of an insult of exudates will occur, thus it would be obvious to one of ordinary skill in the art to modify the article of Van Gompel such that the second length is less than or equal to 50%

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of the first length as taught by Everett to ensure that the absorbent material is placed where a majority of the flow of exudates from an insult will occur. ('214, Col. 8, lines 35-43)

With respect to **claim 12**: Van Gompel does not explicitly teach that said second length is less than or equal to 50% of said first length. Everett teaches an absorbent article having a first length as defined in the instant application disclosure and a second length, defined according to the application disclosure as the length between the first and second longitudinally spaced boundaries of a retention portion in the form of target area 52. Everett teaches that the target area begins at an imaginary line that is 24% of the article length from the front waist edge and terminates at an imaginary line that is 59% of the article length away from the front waist edge. Thus the second length is  $59-24=35\%$  of the first length which is the article length, which falls within the claimed range. Everett teaches that this is called a target area because it is positioned at a point where it is believed that a majority of an insult of exudates will occur, thus it would be obvious to one of ordinary skill in the art to modify the article of Van Gompel such that the second length is less than or equal to 50% of the first length as taught by Everett to ensure that the absorbent material is placed where a majority of the flow of exudates from an insult will occur. ('214, Col. 8, lines 35-43)

With respect to **claim 13**: Van Gompel teaches that the retention portion is comprised of 37% superabsorbent material by weight. ('563, Col. 31, lines 9-11)

With respect to **Claim 14**: Van Gompel teaches that the body panels 52,53 of the chassis are comprised of a nonwoven material. ('563, Col. 17, lines 18-22)

With respect to **Claim 15**: Van Gompel teaches that the body panels 52,53 (chassis) comprise an elastomeric material that is stretchable along the lateral width 54 of the article. ('563, Col. 17, lines 42-45)

With respect to **claim 16**: Van Gompel teaches a pair of fasteners 36 positioned at one end of said body chassis on opposite sides thereof (Fig. 1), wherein said at least said pair of fasteners releasably engages an opposite end of said body chassis on said opposite sides thereof with a pair of leg openings being defined at least in part by said body chassis. ('563, Col. 5, lines 32-38)

With respect to **claim 17**: Van Gompel teaches a method of assembling a disposable absorbent garment 10 comprising: providing a body chassis (collectively panels 52,53) having a terminal front waist edge 60, a terminal back waist edge 61 longitudinally spaced from said terminal front waist edge, a first length defined between said terminal front waist edge and said terminal back waist edge, and a laterally extending centerline defined half way between said terminal front and back waist edge, wherein said body chassis is formed from a laminate structure having a plurality of layers, wherein all of said layers have the same length such that a thickness of said body chassis is the same along said length of said layers; and fixedly securing an absorbent insert 32 to said body chassis, wherein said absorbent insert 32 comprises a retention region comprising an absorbent material 48, said retention region having first and second longitudinally spaced boundaries and a second length defined between said first and second boundaries, and wherein there is no absorbent material disposed outside of said retention region defined

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between said first and second boundaries. ('563, Col. 3, lines 62-67, Col. 5, lines 3,4, Col. 17, lines 42-48, Col. 19, lines 28-37)

Van Gompel does not explicitly teach that said second length is less than or equal to 50% of said first length. Everett teaches an absorbent article having a first length as defined in the instant application disclosure and a second length, defined according to the application disclosure as the length between the first and second longitudinally spaced boundaries of a retention portion in the form of target area 52. Everett teaches that the target area begins at an imaginary line that is 24% of the article length from the front waist edge and terminates at an imaginary line that is 59% of the article length away from the front waist edge. Thus the second length is  $59-24=35\%$  of the first length which is the article length, which falls within the claimed range. Everett teaches that this is called a target area because it is positioned at appoint where it is believed that a majority of an insult of exudates will occur, thus it would be obvious to one of ordinary skill in the art to modify the article of Van Gompel such that the second length is less than or equal to 50% of the first length as taught by Everett to ensure that the absorbent material is placed where a majority of the flow of exudates from an insult will occur. ('214, Col. 8, lines 35-43)

Van Gompel does not explicitly teach that at least 70% of said second length is positioned between said centerline and said terminal front waist edge. The second length taught by Everett begins at a boundary that is 24% of the length of the article away from the front waist edge, which is considered to be a point defining 0% of the length. The second boundary that defines the second length is 59% of the length away from the front waist edge. Thus, considereing the lateral centerline to be 50% of the length of the article away from the front waist edge, a portion of the target area 52 that is located between the front waist edge and the centerline has a length that is equal to  $50\%-24\%$ , or 26% of the length of the article. The total

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second length is a length that is 35% of the article length. Therefore, the percentage of the second length that is positioned between the centerline and the front waist edge is 26% article length (=portion of second length forward of the centerline)/35% article length (=total second length), or 74% of the second length, which meets the relevant claim limitation. The motivation to combine the teachings of Van Gompel and Everett has been stated *supra*.

With respect to **Claim 18**: The absorbent assembly comprises single retention member 48 defining a retention region. As can be seen in Fig. 2, retention portion 48 has first and second ends corresponding to first and second boundaries. ('563, Col. 3, lines 55-60)

With respect to **claim 19**: Van Gompel teaches that the retention portion is comprised of 37% superabsorbent material by weight. ('563, Col. 31, lines 9-11)

With respect to **claim 20**: Van Gompel teaches a method of assembling a disposable absorbent garment comprising: providing a body chassis in the form of panels 58 and 60 having a terminal front waist edge 60, a terminal back waist edge 61 longitudinally spaced from said terminal front waist edge, a first length defined between said terminal front waist edge and said terminal back waist edge, and a laterally extending centerline defined half way between said terminal front and back waist edge; and fixedly securing an absorbent insert 32 to said body chassis, wherein said absorbent insert 32 comprising a retention region comprising an absorbent material 48, said retention region having first and second longitudinally spaced boundaries and a second length defined between said first and second boundaries, and wherein there is no absorbent material disposed outside of said retention region defined between said first and second boundaries; wherein said body chassis comprises

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a front body panel 58 comprising said terminal front waist edge 60 and a terminal crotch edge longitudinally spaced from said terminal front waist edge, and a rear body panel 60 comprising said terminal back waist edge 61 and a terminal crotch edge longitudinally spaced from said terminal back waist edge, said terminal crotch edges of said front and rear body panels being longitudinally spaced to form a gap therebetween, and wherein said absorbent insert 32 comprises first and second longitudinally spaced end portions each having a terminal edge and opposite laterally spaced side edges, and wherein said fixedly securing said absorbent insert to said body chassis comprises bridging said gap between said front and rear body panels with absorbent insert 32 wherein said first and second end portions overlie said front and rear body panels respectively, and fixedly securing said first and second end portions to said front and rear body panels respectively with said terminal edges of said first and second end portions longitudinally spaced from said terminal waist edges of said front and rear body panels respectively and with said terminal edges of said first and second end portions longitudinally spaced from said terminal crotch edges of said front and rear body panels respectively. ('563, Col. 3, lines 62-67, Col. 5, lines 3,4, Col. 17, lines 42-48, Col. 19, lines 28-37)

Van Gompel does not explicitly teach that said second length is less than or equal to 50% of said first length. Everett teaches an absorbent article having a first length as defined in the instant application disclosure (i.e. the length of the article) and a second length, defined according to the application disclosure as the length between the first and second longitudinally spaced boundaries of a retention portion in the form of target area 52. Everett teaches that the target area begins at an imaginary line that is 24% of the article length from the front waist edge and terminates at an imaginary line that is 59% of the article length away from the front waist edge. Thus the second length is  $59-24=35\%$  of the first length which is the article length, which falls within the claimed range. Everett teaches that this is called a target area because it is

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positioned at appoint where it is believed that a majority of an insult of exudates will occur, thus it would be obvious to one of ordinary skill in the art to modify the article of Van Gompel such that the second length is less than or equal to 50% of the first length as taught by Everett to ensure that the absorbent material is placed where a majority of the flow of exudates from an insult will occur. ('214, Col. 8, lines 35-43)

Van Gompel does not explicitly teach that at least 70% of said second length is positioned between said centerline and said terminal front waist edge. The second length taught by Everett begins at a boundary that is 24% of the length of the article away from the front waist edge, which is considered to be a point defining 0% of the length. The second boundary that defines the second length is 59% of the length away from the front waist edge. Thus, considering the lateral centerline to be 50% of the length of the article away from the front waist edge, a portion of the target area 52 that is located between the front waist edge and the centerline has a length that is equal to 50%-24%, or 26% of the length of the article. The total second length is a length that is 35% of the article length. Therefore, the percentage of the second length that is positioned between the centerline and the front waist edge is 26% article length (=portion of second length forward of the centerline)/35% article length (=total second length), or 74% of the second length, which meets the relevant claim limitation. The motivation to combine the teachings of Van Gompel and Everett has been stated *supra*.

With respect to **Claim 21**: Van Gompel teaches that the body panels 52,53 of the chassis are comprised of a nonwoven material. ('563, Col. 17, lines 18-22)



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With respect to **Claim 22**: Van Gompel teaches that the body panels 52,53 (chassis) comprise an elastomeric material that is stretchable along the lateral width 54 of the article. ('563, Col. 17, lines 42-45)

With respect to **claim 23**: Van Gompel teaches a pair of fasteners 36 positioned at one end of said body chassis on opposite sides thereof (Fig. 1), wherein said at least said pair of fasteners releasably engages an opposite end of said body chassis on said opposite sides thereof with a pair of leg openings being defined at least in part by said body chassis. ('563, Col. 5, lines 32-38)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand  
Examiner  
Art Unit 3761

August 6, 2007.

  
PATRICIA BIANCO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700  
